

**CHILD PROTECTION ACCOUNTABILITY COMMISSION
JANUARY 14, 2004
NEW CASTLE COUNTY COURTHOUSE, 500 KING STREET
12TH FLOOR CONFERENCE ROOM**

MINUTES

Those in attendance:

Members of the Commission:

Statutory Role:

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| Jennifer Barber, Esq., Chair, | Child Protection Community 16 <u>Del. C.</u> § 912 (a)(10) |
| The Honorable Peggy Ableman, | Child Protection Community 16 <u>Del. C.</u> § 912 (a)(10) |
| Dr. Randy Wimberly (proxy- Susan Cycyk) | Dir. of Child Mental Health 16 <u>Del. C.</u> § 912(a)(9) |
| The Honorable M. Jane Brady | Attorney General's Office 16 <u>Del. C.</u> § 912 (a)(3) |
| Jim Apostolico (proxy - M. Jane Brady) | Attorney General's Office 16 <u>Del. C.</u> § 912 (a)(3) |
| Allan DeJong, M.D. | Medical Community 16 <u>Del. C.</u> § 912 (a)(10) |
| Peter Feliceangeli, Esq. | Attorney General's Office 16 <u>Del. C.</u> § 912 (a)(3) |
| Carlyse A. Giddins | Dir. of Div. of Family Servs. 16 <u>Del. C.</u> § 912 (a)(2) |
| John Humphrey | Child Protection Comm. 16 <u>Del. C.</u> § 912 (a)(10) |
| The Honorable Pamela Maier | House of Representatives 16 <u>Del. C.</u> § 912 (a)(5) |
| Janice Mink | Child Protection Comm. 16 <u>Del. C.</u> § 912 (a)(10) |
| Julia Pearce | Child Placement Review Board 16 <u>Del. C.</u> § 912 (a)(7) |
| The Honorable Chandlee Johnson Kuhn | Family Court 16 <u>Del. C.</u> § 912(a)(4) |
| The Honorable Patricia Tate Stewart | Family Court 16 <u>Del. C.</u> § 912(a)(4) |
| Mary Ball Morton (proxy -Cari DeSantis) | Children's Department 16 <u>Del. C.</u> § 912(a)(1) |
| Linda Wolfe (proxy -Valerie Woodruff) | Dept. of Education 16 <u>Del. C.</u> § 912 (a)(8) |
| Tania M. Culley, Esq., Executive Director | |

Guests:

Trish Hearn
Mary Catherine Landis
Joseph Smack
Candace Charkow
Laura Miles
Marianne Kenville-Moore
Stuart Mast
Karen Golden
Karen Derasmo
Leann Summa
Kim Albert
Mike Chalmers

I. Welcome

The Chair, Jennifer Barber, called the meeting to order and presided. For the benefit of guests, everyone introduced themselves.

II. Minutes

The minutes from the October 8, 2003 meeting were unanimously approved with one request. Future minutes will reflect those in attendance divided by members and guests.

III. Division of Family Services Update

Carlyse Giddins, Director of the Division of Family Services, provided an update with respect to the Division of Family Services. Ms. Giddins stated that hotline report statistics have largely been holding steady for the last quarter. There is generally an increase when school starts in the fall, but the percentage of reports accepted and substantiated has been basically static. Statistics pertaining to caseload averages were presented in two forms. First, based on requirements set by SB142, for fiscal year 2003, the investigation caseload average was 13 for full time equivalent (FTE) positions. (SB 142 sets a maximum of 14). For fully functioning (meaning actual bodies filling the position or FFE), that average was 13.5 for January through June of 2003. For the first quarter of fiscal year 2004, the investigation caseload for FTE was 10.1 and for FFE was 11.2 and for the second quarter, the FTE average was 9.7 and FFE was 10.3. With respect to treatment worker caseloads, SB142 sets a standard of 18 and for fiscal year 2003, the FTE average was 16. The FFE average was 15.5 for January through June of 2003.

With respect to worker turnover, Ms. Giddins reported that the turnover rate for the Division in fiscal year 2002 was 15%, for fiscal year 2003, it was 16.1% and for fiscal year 2004, thus far it is 6%. These figures were not broken out by investigation and treatment. It was requested by CPAC that this additional statistic be provided. It was also noted that the turnover has been largely with experienced employees. Ms. Giddins explained that the training of new workers has been modified. In the past, it took six months to complete the core curriculum, but that now it is being completed in three months. This includes the same 125 hours of material. The Division is hiring groups of employees, which enables it to complete the core curriculum sooner. She expressed the belief that this benefits children and families in that all employees have had the core training sooner and new workers are better prepared. It was felt that in the past, new workers left because they were not adequately trained and supported which is not the case now. The Division will also be looking for ongoing professional development opportunities for all staff. Ms. Giddins noted that currently, 76% of investigation workers have one or more years of experience. Concern was expressed that three months of training seemed insufficient for a worker to be fully trained to take on a caseload. It was also felt that this represented a significant change based on CPAC's history. Several years ago, the training requirements were increased to the six-month time period. Ms. Giddins explained that after three months, caseloads are assigned on a case-by-case basis depending on the individual worker;

however, at the end of six months, it is assumed a worker will be capable of handling the full caseload.

Ms. Giddins reported several accomplishments on the part of the Division:

- Implementation of HB 528, Child Protection Registry and related training and system improvements;
- Passed Federal IV E audit – 10/03;
- Donations from dedicated partners for kids in care have increased overwhelmingly, including donations for gifts, money and various camps for foster children;
- 107 adoptions were finalized in FY 2003 and 45 so far in FY 2004. The decrease represents the impact of ASFA;
- Expanded the DFS Advisory Council to include faith community and education;
- Receipt of approximately \$79K in Federal Independent Living Educational Training Vouchers to be administered by the Child Placement Review Board.

The Division has been receiving national recognition for system improvements. Ms. Giddins was invited to present to the Child Welfare League of America conference in Washington D.C. on February 23, 2004 regarding caseload management and worker turnover. Ms. Giddins also outlined the Divisions priorities for 2004:

- Kick off child abuse and prevention campaign April 1, 2004;
- Align foster care services to better meet the needs of 21st century children;
- Maximize and leverage budget resources to minimize deficit spending;
- Maintain caseworker turnover at 16% or less;
- Implement DFS Report Card Measures to align with Department's measures.

IV. Old Business from 10/8/03 Meeting

A. Discussion of Information to be shared with CPAC re: DFS Personnel and Caseloads.

It was noted that there was a difference in the information presented to CPAC last spring and in October compared with the statistics presented at the meeting today. Director Giddins expressed concern that the additional detailed data when viewed at any given time may reflect a "blip" in performance, which she, as the Director, should be, permitted the opportunity to address. It was noted that so long as the data is reviewed on a quarterly basis, there should not be a problem with focusing on "blips" or snapshots of data. The Chair also noted that the data presented at this meeting did not include much of the data that was presented by Secretary DeSantis at the October CPAC meeting. Per discussions with Secretary DeSantis and Trish Hearn prior to the October CPAC meeting, the information presented by the Secretary at the October meeting was to represent the Department's baseline in terms of what information they would share, with CPAC to then discuss whether they felt additional information was needed. The additional data are also a workload consideration.

Upon discussion, it was agreed that CPAC would be looking for the following information:

- Number of fully functioning cases and fully functioning workers and the caseload averages (FTE and FFE), broken down by region and by position
- Number of overhires/trainees, broken down by region and by position as well as their status in the training process
- Number of vacancies, broken down by region and by position
- Number of workers over standard, broken down by region and by position.
- Turnover rates, broken down by region and by position
- Number of hiring requests granted in that quarter for DFS

It was noted that most of these statistics were provided in the Secretary's presentation in October. The statistics should be provided quarterly, but broken down monthly. The numbers should be provided to the Executive Director two weeks before each CPAC meeting for distribution to the Commission. The Commission will take a final vote to approve the format for presentation of statistics at the April 7, 2004, meeting.

B. Root Cause Analysis Presentation.

In a previous meeting, CPAC asked the Children's Department to make a presentation explaining the Root Cause Analysis (RCA) process. Karen Golden, on behalf of the Children's Department, made the presentation. The RCA was adopted to review critical incidents. Among other things, critical incidents include the loss of life of any child who is active or has been active within 12 months preceding his or her death with the Department. A designated person in each division receives the report of a critical incident and makes a determination whether or not to refer to the Office of Case Management (OCM). Even if the case does not meet the criteria for an RCA, each division has the discretion to review a case anyway within its own division. OCM conducts the initial review, prepares a reporting document and then schedules the case for presentation to the Safety Council. The Safety Council is comprised of representatives of Child Mental Health, DFS, Youth Rehabilitative Services, Licensing and OCM. The Council meets monthly and can make one of three decisions concerning a particular case:

- It can recommend an internal review, such as when there is a policy concern regarding a particular division;
- It can recommend no RCA, such as when there are no known systems issues or services were appropriate; or
- It can recommend that an RCA be conducted.

OCM names a chair and participants for the panel. The panel meets and makes a report and recommendations. A "lessons learned" document is generated as a result of the RCA, which summarizes system issues and recommendations.

Discussion ensued regarding what circumstances would lead the Safety Council to determine that no RCA should be conducted. It was noted that a strict reading of the written policy on RCAs appears to indicate that an RCA will be done when the criteria outlined in the written policy are met, but what actually happens when the criteria are met is the Safety Council reviews the case and determines whether to conduct an RCA.

There have been 25 RCAs over the last three years. It was noted that the missing piece involved near death situations where there is currently no mechanism for addressing systemic problems such as there is for death cases. CPAC renewed its request to review the Lessons Learned as the result of any RCA and the Children's Department said it would review with its legal counsel what information could be shared and report back at the April 7, 2004, Commission meeting.

V. Subcommittee Reports

A. Bylaws

M.C. Landis, Deputy Child Advocate, presented the draft of the CPAC bylaws created after meetings and input from the Bylaws Committee. Some of the key issues included compliance with the Freedom of Information Act (FOIA), voting and the statutory obligations of CPAC. A few minor amendments were suggested including:

- add the exact statutory language under Section 1.2; Objectives;
- simplify Section 3.1 by placing a period after 29 Del. C. Ch. 100;
- change the voting requirements of Section 4.6 (b) by deleting "as long as a quorum is present" and adding "of the entire membership";
- correct a numbering problem in Section 4;
- clarify Section 5.1 by striking the second sentence and in its place, "In addition, the Chair shall choose two persons from the at-large membership, at least one of which shall be from the child protection community."

There was some debate concerning CPAC's requirements under FOIA, particularly with respect to CPAC's ability to take a position on late-breaking legislative matters and subcommittee meetings. Pete Feliceangeli promised to do some research on this and communicate with Ms. Landis if any changes to the above were necessary. Otherwise, finalized bylaws will be distributed to the Commission at or prior to the April 7, 2004, meeting.

ACTION: Upon a motion duly made and seconded, CPAC voted to approve the bylaws with the changes mentioned above and reserving approval of Section 4.2. Mr. Feliceangeli voted nay and Mr. Apostolico abstained.

B. Near Death

Judge Ableman reported on the progress of this Committee designed to address the gaps in reviewing systemic issues in near death cases. She explained the Child Abuse Prevention and Treatment Act (CAPTA) appears to require that these reviews take place if CPAC deems them important in fulfilling its statutory obligations to ensure that the State is meeting its child protection responsibilities. The issue is how and where to conduct these reviews. The Child Death Review Commission (CDRC) currently reviews child deaths. The subcommittee's position is to activate the third panel and give this job to the CDRC. However, it was noted that the CDRC is faced with a serious staffing problem. Currently, Karen Golden and Stuart Mast of the Children's Department staff the CDRC and they perform the duties for the CDRC on top of their regular job functions. Karen and Stuart jointly contribute 35-40 hours per week to the CDRC. Marjorie Hershberger, chair of the New Castle County panel spends approximately 20 to 25 unpaid hours per month to assist the CDRC in fulfilling its statutory obligations. Anne Pedrick of the OCA contributed over 100 hours to preparation of the combined annual reports for the CDRC, in addition to significant time in developing written policies and procedures. It is felt that three full time staff are needed to accomplish the statutory objectives of the CDRC, especially with the addition of near death reviews. The Children's Department has temporarily staffed the CDRC, however concerns regarding "the fox guarding the hen house" were noted. It was suggested that the Office of the Child Advocate might be a more appropriate place for placement of the CDRC staff. Currently, there are no budgeted monies for the CDRC, thereby requiring a fiscal note be attached to any near death legislation. CDRC has been invited to participate in this process and will continue to be so included since this proposal represents a significant increase in CDRC responsibility. The subcommittee will continue its work to further dialogue with CDRC, draft legislation and navigate the fiscal note process. The subcommittee expects to have a final report and draft legislation at the April 7, 2004, meeting.

C. SB 142

This committee met in October to consider drafting legislation regarding DFS caseload standards as well as the budgetary epilogue language which provides for overhires, career ladders and training. . Currently, the epilogue language must be passed each year in the budget. Additionally, SB 142 requires that the statistics be reported by FTE, which does not accurately reflect the caseloads of investigation and treatment workers. DFS is doing an internal review and work study before taking a position on the SB 142 standards. CPAC and the SB 142 committee can expect information from DFS by early March at the latest. Jennifer Barber contacted CWLA to see if any other jurisdictions have done time studies and caseload weighting and provided the information obtained to DFS to utilize in their time study. DFS caseworkers have been asked to track their time for one week to see how they are spending their time to enable this subcommittee to make some substantive recommendations regarding caseload standards. The subcommittee expects to have a final report and draft legislation at the April 7, 2004, meeting.

D. Legislation

Chief Judge Chandlee Kuhn reported on the legislative committee. Chief Judge Kuhn presented CPAC with a format for tracking legislation, which would be updated and followed throughout the legislative session. The report is divided into four parts: Proposed legislation, newly introduced legislation, pending legislation and signed legislation. It was felt that this format would prove very helpful to all on CPAC. Anyone interested in a copy of this report can contact the Office of the Child Advocate directly. It was recommended that another category be developed for "potential legislation."

E. Foster Care

Janice Mink reported that this committee would be meeting in February.

F. Training

Karen Derasmo from Prevent Child Abuse Delaware reported that the Abuse Intervention Training Consortium has planned a spring training that will address children and violence. The specific dates and training topics will be announced shortly.

G. Community Notification

This committee will begin its work after a chair is selected.

H. Best Interests

This committee will meet January 16, 2004 at 1:00 in Dover at DFS offices at Silver Lake.

VI. Child Mental Health Update

Randy Wimberley presented the Child Mental Health Update. Dr. Wimberley reported that the national accreditation organization, JCAHO recently completed its review of Delaware. The report was favorable with a few concerns noted, including the paucity of services in rural areas and a lack of readily accessible child psychiatric services. The review also found the need for more intensive outpatient services in Delaware.

VII. Other Agency Reports

A. Family Court

Chief Judge Kuhn reported that the at-risk unit continues to carry an increasingly heavy caseload. She further reported that one judge alone had 69 hearings in the area of dependency/neglect in one month. In an effort to provide the much needed additional support, discussions have ensued regarding the addition of two judges to the New Castle County Family Court.

ACTION: Upon a motion duly made and seconded, CPAC voted to support the Chief Justice of the Supreme Court if he decides to request two additional Family Court judges from the General Assembly and the Joint Finance Committee. Pete Feliceangeli and James Apostolico abstained.

Chief Judge Kuhn also reported that Commissioner Jennifer Mayo would be the new second CPAC member from Family Court. CPAC expressed its gratitude to Commissioner Patricia Tate Stewart for her years of service.

B. Children's Advocacy Center

John Humphrey reported a 26% increase in referrals this year from the previous year. The addition of the office in Kent County has relieved the burden somewhat in Milford. The Kent County office is located at the St. Jones Behavioral Health Center. The forensic interviewer at that location is Diane Klecen. The Milford office has relocated to Georgetown, and is housed with Children and Families First. Buster Richardson is the forensic interviewer in Georgetown. The tracking of mental health services from the CAC has revealed a 50% no show by clients for mental health assessments. However, the waiting period for these assessments has been up to three months. This is due, again, to the lack of providers of these types of services. The CAC continues to work with the Attorney General to facilitate these assessments via the Violent Crimes Compensation Board. In 2003, the CAC scheduled 1222 forensic interviews and conducted 930 interviews. Of those 930 interviews, 758 were for sexual abuse, 86 were for physical abuse, 52 were witnesses in a case, 33 were for a combination of sexual/physical abuse and one was for neglect. Of the children interviewed, 621 were female and 306 were male.

C. Department of Justice

Pete Feliceangeli reported that the Department of Justice has been able to fill the fourth Deputy Attorney General position representing the Division. The new attorney, Lorin Hochman, will start on February 2, 2004, in New Castle County. Mr. Feliceangeli was unable to provide current caseloads for the Deputies, but will provide this statistic at the April 7, 2004, meeting.

VIII. Other Business

The Chair indicated that Mary Lou Edgar has resigned from the Commission. Ms. Edgar has left Upper Bay Adoption and Counseling and has resigned as a member of the Interagency Committee on Adoption. Therefore, a new designee from the IACOA needs to be appointed to the Commission. The Chair will send a letter to IACOA for submission of a representative. Upon receipt of that name, the Chair will send a letter to the Governor requesting the appointment.

ADJOURNMENT

There being no further business, the meeting was adjourned at approximately 12:00 noon.